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UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

CLERK

BY LAW  
DEPUTY CLERK

JUAN SALAZAR, an individual; LORENA SALAZAR, an individual; KEYLA SALAZAR, a minor child; LYANN SALAZAR, a minor child; EDUARDO PONCE, an individual; and DASHA PIMENTEL, a minor child

**Plaintiffs,**

**v.**

CENTURY ARMS, INC., and ROMARM, S.A.,

**Defendants.**

**Civil Action No. 2:22-cv-146**

**Jury trial requested**

**EX PARTE MOTION TO EXTEND TIME FOR SERVICE OF COMPLAINT**

Plaintiffs hereby respectfully move the Court for an extension of time, under Fed. R. Civ. P. 4(m), within which to serve Defendant Century Arms, Inc.<sup>1</sup> The reason for this request is simple, and—although Defendant Century Arms has not yet been served and has thus not appeared—counsel for Century Arms and Plaintiffs have discussed this request, and counsel for Century Arms supports the requested relief. The current time to serve under Rule 4 ends October 26, 2022. We are seeking to extend that time to February 16, 2023.

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<sup>1</sup> Two sets of plaintiffs have brought the same allegations and claims against Century Arms in separate lawsuits, 1) the Towner Plaintiffs (Wendy Towner, Francisco Aguilera, Nick MacFarland, Justin Bates, Brynn Ota-Matthews, Gabriella Gaus, Harry De La Vega, Barbara V. Aguirre, Alberto Romero, Barbara J. Aguirre, Leslie Andres, and Leslie Sanchez) and 2) the Salazar Plaintiffs (Juan Salazar, Lorena Salazar, Keyla Salazar, Lyann Salazar, Eduardo Ponce, and Dasha Pimentel). This motion is on behalf of the Salazar Plaintiffs, and an identical request is being submitted on behalf of the Towner Plaintiffs in their case. Also, Plaintiffs intend to amend at a later point to remove the foreign defendant Romarm, S.A.

Plaintiffs have sued Defendant Century Arms in state court in California on the same claims as here. *Salazar et al. v. Century Arms, Inc.*, C.A. No. 20CV370523 (Calif. Super., Santa Clara Cnty.). Plaintiffs sued Century Arms in California, as that is where the injury occurred, and there are other pending claims against other defendants arising out of the same series of events.

Century Arms has not yet appeared in that California case, instead objecting on grounds of lack of personal jurisdiction. The Plaintiffs and Century Arms have been engaged in personal jurisdiction discovery over the last year and currently have a date set for a hearing on whether the California court can exercise its jurisdiction over Century Arms, which is scheduled for January 17, 2023. The issue of whether the California court has jurisdiction over Century Arms and whether that case will proceed against them will thus be decided soon after January 17, 2023.

In the meantime, while the issue of personal jurisdiction in California remains pending, the Vermont statute of limitations on these claims has neared. To preserve the Plaintiffs' claims in Vermont while the fate of their claims in California remains challenged by Century Arms, Plaintiffs filed this case prophylactically to preserve the claims here in Vermont should the California court ultimately decide not to exercise its jurisdiction over Century Arms.

In the interest of judicial economy and reducing the burden on all parties, extending the time to serve Defendant Century Arms in this case will allow for the California court to reach a decision on whether the claims will proceed there or not. If proceedings go forward in California, Plaintiffs will likely dismiss this case. If they do not, Plaintiffs will then serve the complaint in this case.

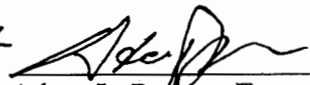
In either instance, there is no pressing need for the parties or the Court to expend their resources until that time—soon after January 17, 2023. We propose a service deadline of

February 16, 2023 to allow 30 days for service after the California court's decision on personal jurisdiction.

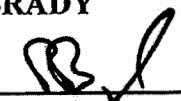
Respectfully submitted,

**POWERS & POWERS P.C.**

*Dated: October 21, 2022*

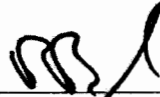
  
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**BRADY**

 *October 20, 2022*  
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Washington, DC 20002  
202-370-8111  
pbangle@bradyunited.org

**Certificate of Service**

Defendants have not been served with the Complaint and Summons. I certify that have, however, provided counsel for Century Arms with a copy of this filing.

A handwritten signature in black ink, appearing to be 'PB', written over a horizontal line.

Philip Bangle